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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,685	03/07/2002	Shin Chai Mark Lin	2002P03667 US	3816

7590 08/04/2008  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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08/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

The reply brief filed 12 June 2008 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

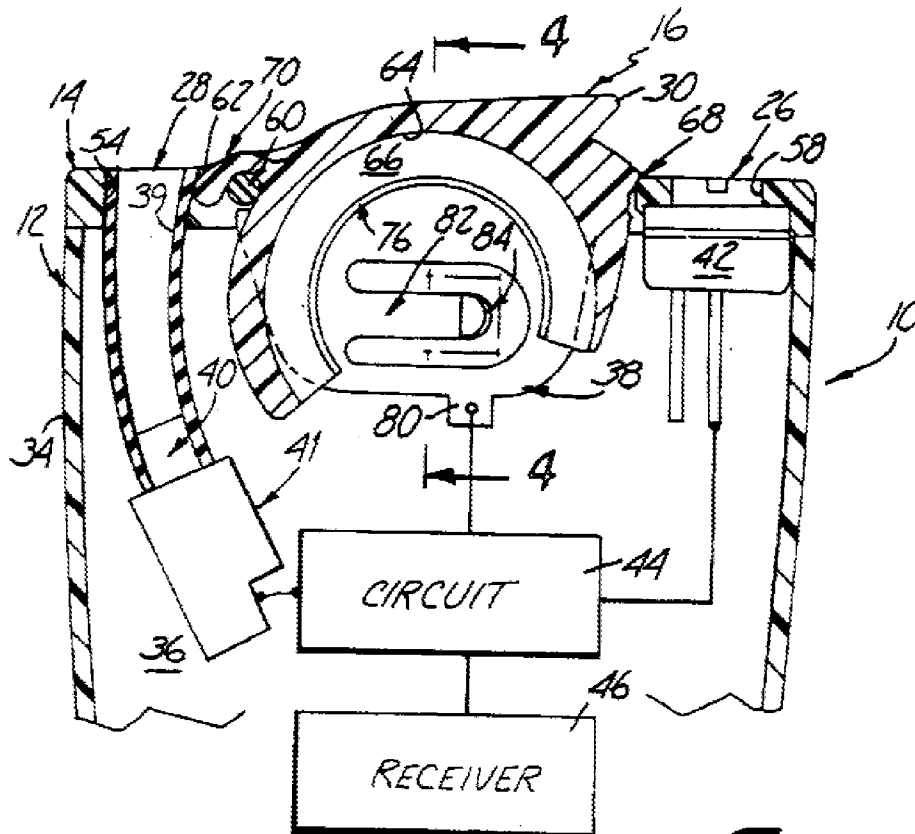
### Examiner's Response:

(Excerpt from U.S. Patent: 6,678,386; col. 2 lines 53-55) *The battery portion 100 of the faceplate 10 further includes a battery door 101 that is depicted in a closed position in FIG. 1.*

(Excerpt from U.S. Patent: 6,678,386; col. 4 lines 7-13) *A retaining flange 140 of the battery portion 100 extends arcuately below the battery compartment 80 as illustrated in FIGS. 2 and 3. The retaining flange 140 retains the battery 108 when it is inserted in the battery compartment 80.*

Contrary to the Appellant's argument that the flange 140 is not part of the battery door, the Examiner disagrees. The Robinson et al reference (6,678,386) is more descriptive than the Appellant's application since Robinson defines the battery door "portion" as being a compilation of the battery door (101) and retaining flange (140) as shown above in the excerpts. In other words, Robinson defines the battery door as two elements instead of one element. However, one of ordinary skill in the art of hearing aid housing knows that the terms battery door "portion" and battery door are used interchangeable to refer to the same part.

Furthermore, as an additional example to substantiate the knowledge of one of ordinary skill, Facker et al (U.S. Patent No. 5784470; submitted to Appellant in IDS dated 11/1/2007; col. 2 line 66 through col. 3 line 2; shown in Fig. 3 below) teaches *the face 14 includes hinge pin 60 and a battery opening 62. The battery door 16 is formed of a rigid member having a battery compartment 64, retainer flange 66, closure lip 68, and hinge bracket 70.* This example shows that the battery door (Robinson, 100-101) includes a compartment and a flange (Robinson, 140).



*Fig. 3*

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Monday through Thursday 9:00-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**

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July 27, 2008

/PHYLESHA DABNEY/

Examiner, Art Unit 2614

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614